

**PRELIMINARY AMENDMENT**

Serial Number: 09/067,641

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Title: DNA ENCODING A DNA REPAIR PROTEIN

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D.t.: 800.019US2

**In the Claims**

Please substitute the claim set entitled "Clean Version of Pending Claims" attached hereto for the pending set of claims. Specific amendments to individual claims are detailed below.

Please cancel claims 5-19 without prejudice.

Please amend the claims as follows:

1. (Amended) An isolated and purified nucleic acid molecule comprising a nucleic acid segment encoding a vertebrate DNA repair polypeptide, or a biologically active [subunit or variant] fragment thereof, wherein the polypeptide has a molecular weight of about 95000 Da as determined by SDS-PAGE.

Please add the following new claims:

20. (New) The nucleic acid molecule of claim 1 further comprising a promoter.
21. (New) The nucleic acid molecule of claim 1 wherein the nucleic acid segment is SEQ ID NO:1.
22. (New) The nucleic acid molecule of claim 1 which encodes a fusion polypeptide comprising at least a portion of the DNA repair polypeptide which binds an antibody specific for SEQ ID NO:2.

**Remarks**

Claims 5-19 are canceled, claim 1 is amended and claims 20-22 added. The pending claims are claims 1-4 and 20-22.

Amended claim 1 is supported by originally-filed claim 1.

New claim 20 is supported by page 4, lines 14-18 of the specification. New claim 21 is supported by originally-filed claim 4 and Example 2. New claim 22 is supported by page 4, lines 14-18 and page 15, lines 3-5 of the specification.